



## OFFICE OF THE DISTRICT ATTORNEY

P.O. Box 1748, Austin, TX 78767

Telephone 512/854-9400

Telefax 512/854-4206

**MARGARET MOORE**  
DISTRICT ATTORNEY

**MINDY MONTFORD**  
FIRST ASSISTANT

October 31, 2018

Brian Manley, Chief  
Austin Police Department  
P.O. Box 689001  
Austin, Texas 78768-9001

### LETTER DECLINING PROSECUTION AFTER INVESTIGATION

**Re:** *Officer Involved Shooting on September 9, 2018, by Austin Police Department Officers Greg White and James Eichenholz involving Glenn Miles (DOB 05/15/1967).*

Dear Chief Manley:

The Office of the Travis County District Attorney ("District Attorney") has reviewed the Austin Police Department Special Investigation Unit's ("APD SIU") investigation of the above-referenced matter and concluded our independent review of the officer-involved shooting. While members of the Violent Crimes Task Force were conducting surveillance on robbery suspect Glenn Miles and attempted to detain him, Miles displayed a handgun, at which time Austin Police Department Officers Greg White and James Eichenholz fired their duty weapons. Glenn Miles was struck at least twice but survived his injuries. This letter is to inform you that, after reviewing the facts and circumstances surrounding the shooting of Miles, the District Attorney declines to prosecute Officers Greg White and James Eichenholz for their actions during this incident.


The District Attorney monitored and reviewed the investigation by the Austin Police Department in this incident pursuant to the officer-involved shooting protocol that is posted on its official website. A copy of this letter will also be posted on the District Attorney official website.<sup>1</sup>

Glenn Miles has been charged with Aggravated Robbery in five different cases and these cases are pending in felony court.

The Civil Rights Division of this office has a policy of issuing declination letters setting out a thorough factual and legal analysis of the officer-involved shooting where the elected District Attorney has determined a grand jury review of the officer's use of force is not necessary. However, when there are pending criminal cases arising out of these incidents, as there are in this case, the accused's right to a fair trial and prosecutorial ethical rules prohibit the release of such information.<sup>2</sup>

Consequently, our more comprehensive analysis will be published after the criminal matters against Glenn Miles are resolved.

Sincerely,

  
Margaret Moore

<sup>1</sup> <https://www.traviscountytexas.gov/district-attorney/cru>.

<sup>2</sup> Texas Disciplinary Rules of Professional Conduct 3.07 (a). "The Rules of Professional Conduct state the trial attorneys have a duty to ensure a trial free from the taint of publicity by specifically prohibiting a lawyer from making statements that may materially prejudice an adjudicatory proceeding," Edward L. Wilkinson, *Legal Ethics & Texas Criminal Law* 86 (2006)(citing *Tex. Disciplinary R. Prof'l Conduct 3.07 (a) & comment 1*).